

VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS
FOOD SAFETY CONSUMER PROTECTION DIVISION
Meat Inspection Service
MONTPELIER, VT
Anson Tebbetts, Secretary



MIS DIRECTIVE

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6900.2
Revision 3

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HUMANE HANDLING AND SLAUGHTER OF LIVESTOCK

CHAPTER I - GENERAL

I. PURPOSE

A. This directive informs inspection program personnel (IPP) of the requirements, verification activities, and enforcement actions for ensuring that the handling and slaughter of livestock, including disabled livestock and livestock slaughtered by religious ritual methods, is humane. This directive provides instructions to IPP (e.g., public health veterinarian (PHV), Food Safety Specialists (FSS)) for conducting humane handling activities randomly throughout their tour of duty and provides instructions to IPP, in establishments that assert that they have put in place a systematic approach, on how to assess whether that approach is robust. PHVs are to no longer perform a monthly verification task (*Verification of a Robust Systematic Approach*) to determine whether an establishment maintains a robust systematic approach for humane handling as they are expected to make this assessment on an ongoing basis and inform the establishment of any status change in this regard. FSIS has modified the definition of egregious inhumane treatment and instructs IPP to document egregious inhumane treatment on a noncompliance record (NR) instead of a memorandum of interview (MOI). This revision also updates instructions for entering humane handling verification data into the Public Health Information System (PHIS).

B. In addition, per 6VSA 3306, establishments are currently required to submit a written humane handling plan to the Vermont Agency of Agriculture, Food and Markets upon application for initial or renewal licensing. Establishments may choose to develop and implement a robust systematic approach for the humane handling of animals. On September 9, 2004, FSIS published a notice in the Federal Register (54 Fed. Reg. 54625) entitled "Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach To Meet Such Requirements." This Federal Register Notice

details the background on the humane handling and slaughter statutes issued by Congress and regulation of humane handling by FSIS. It also details steps industry should take to assure effective compliance with the Acts and regulations. This Federal Register Notice can be found in its entirety at the following link: [2004 Federal Register Notice](#).

II. CANCELLATION

Directive 6900.2, Revision 2, Humane Handling and Slaughter of Livestock, dated 08/15/2011

III. BACKGROUND

A. The Humane Methods of Slaughter Act (7 U.S.C. 1901, 1902, and 1906, see Attachment 1) requires that the slaughtering and handling of livestock be carried out only by humane methods. 6 Vermont Statutes Annotated, Chapter 201 Humane Slaughter of Livestock, prohibit the slaughter of livestock except by a humane method. Congress determined that the use of humane methods of handling and slaughtering livestock prevents needless suffering of animals and results in safer and better working conditions for employees in slaughter establishments. This includes:

1. Slaughtering in accordance with the ritual requirements of the Jewish faith or of any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.
2. Using humane handling and slaughter practices for all livestock including non-ambulatory disabled livestock in accordance with the Humane Methods of Slaughter Act (HMSA). See Attachment 2 for FSIS humane handling regulations.

IV. IPP PERSONAL SAFETY

When IPP conduct humane handling verification activities of livestock, personal safety is paramount. IPP are to conduct this verification from a safe and suitable vantage point, taking into consideration the size and temperament of livestock and the type of stunning method employed by the establishment.

V. HUMANE HANDLING TERMINOLOGY

A. Ambulatory Disabled Livestock: Livestock capable of walking, but with physical impairment such as central nervous system signs, lameness, or similar conditions.

B. Egregious inhumane treatment: An egregious situation is an act or condition that results in severe harm to animals, for example:

1. Making cuts on or skinning conscious animals;
2. Excessive beating or prodding of ambulatory or nonambulatory disabled animals or dragging of conscious animals;
3. Driving animals off semi-trailers over a drop off without providing adequate unloading facilities (animals are falling to the ground);
4. Running equipment over conscious animals;
5. Stunning of animals and then allowing them to regain consciousness;
6. Failing to immediately (or promptly) render an animal unconscious after a failed initial stunning attempt (e.g., no planned corrective actions);
7. Multiple ineffective stun attempts (2 or more) that are due to one or more of the following establishment failures to properly handle or stun the animal:
 - a. Failure to immediately (or promptly) apply the corrective actions that demonstrates a blatant disregard for animal discomfort and excitement;
 - b. Failure to adequately restrain an animal;
 - c. Failure to use adequate stunning methods (e.g., inadequate air pressure, inadequate caliber, insufficient electric current) for the animal being stunned (e.g., species of animal, size of animal, etc.);
 - d. Poorly trained/untrained operator or inexperienced operator; or
 - e. Prolonged discomfort and excitement of the animal due to the inability to render it insensible/unconscious after the application of the immediate (or prompt) corrective actions.
8. Dismembering conscious animals, for example, cutting off ears or removing feet;
9. Leaving disabled livestock exposed to adverse climate conditions while awaiting disposition, or
10. Otherwise causing unnecessary pain and suffering to animals, including situations on trucks.

C. Falls: When an animal loses an upright position suddenly, in which a part of the body other than the limbs touches the ground or floor.

D. Humane Handling: Handling and slaughter practices that cause a minimum of excitement, pain, injury, or discomfort to livestock.

E. Hoisting: The process whereby an animal after it is shackled, is raised, usually from a lying position, and suspended by a leg or legs.

F. Non-Ambulatory Disabled Livestock: Livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

G. Shackling: Livestock are shackled when a device (e.g., rope, chain) used to hoist the animal has been placed around the animal's leg, even if the device has not been drawn tight.

H. Slips: When a portion of the leg other than the foot touches the ground or floor, or a foot loses contact with the ground or floor in a non-walking manner.

I. Suitable Equipment: Establishment equipment that can enable establishment personnel to move non-ambulatory disabled livestock with a minimum of excitement, pain, or injury. This type of equipment includes skid loaders and self-propelled tractors capable of pulling stone boats (sleds) or similar conveyances, those conveyances themselves, holding chutes, and a voltmeter or other suitable equipment that can verify voltage of electric prods attached to AC current.

J. Suitable Restraints: Establishment-provided restraints capable of effectively restraining livestock (including disabled livestock when necessary) and preventing injuries to Agency personnel when performing ante-mortem inspection. This includes inspections when conducted on a transport vehicle.

VI. SYSTEMATIC APPROACH TO HUMANE HANDLING AND SLAUGHTER (SYSTEMATIC APPROACH) IN A WRITTEN ANIMAL HANDLING PROGRAM

A. Per 6VSA 3306, all slaughter establishments in Vermont are currently required to submit a written humane handling plan to the Vermont Agency of Agriculture, Food and Markets upon application for initial or renewal licensing. However, an establishment may choose to develop and implement a robust written animal handling program that effectively addresses the four aspects of a systematic approach outlined in the Federal Register Notice [Docket No. 04-013N] [Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements](#).

B. These four steps are:

1. Conduct an initial assessment to determine where, and under what

circumstances, livestock may experience excitement, discomfort, or accidental injury while being handled in connection with slaughter, and where, and under what circumstances, stunning problems may occur;

2. Design facilities and implement practices that will minimize excitement, discomfort, and accidental injury to livestock;
3. Evaluate periodically the handling methods the establishment employs to ensure that those methods minimize excitement, discomfort, or accidental injury and evaluate the stunning methods periodically to ensure that all livestock are rendered insensible to pain by a single blow; and
4. Respond to these evaluations, as appropriate, by addressing problems immediately and by improving those practices and modifying facilities when necessary to minimize excitement, discomfort, and accidental injury to livestock.

C. When establishment management believes they have an animal handling program that equates to a robust systematic approach and would like it reviewed, IPP are to review the program and any records generated during its implementation.

1. The PHV and Chief of Inspection are to determine whether the information presented by establishment management meets the criteria for a robust systematic approach. If the criteria are met, the IPP is to inform the establishment that it has a robust systematic approach; and
2. The PHV is to document the determination in a MOI under the Livestock Humane Handling Verification task in PHIS.
3. IPP are to take into consideration whether the establishment has implemented and maintained a robust systematic approach in determining how to proceed in the circumstances set out in Chapter V, III, A (e.g., how to proceed when an incident occurs that involves egregious inhumane treatment of an animal).

D. The establishment is not required to provide IPP access to a written humane handling program. However, IPP will not be able to verify effective implementation of a program that the establishment believes reflects a robust systematic approach without access to the written program.

E. If the establishment develops and implements what it considers to be a robust systematic approach and IPP have informed the establishment that the Agency agrees,

IPP are to verify implementation of the establishment's robust systematic approach, as described in Chapter IV. II. F.

NOTE: If an establishment is suspended (Notice of Suspension (NOS)) or a Notice of Intended Enforcement Action (NOIE) due to an egregious inhumane handling and slaughter event, they will no longer be considered to have a robust systematic approach. The establishment will need to proffer corrective actions and preventive measures to VAAFM in order to develop a verification plan (Refer to: VT Directive 5100.3 "Administrative Enforcement Action Decision-Making and Methodology"). The establishment may request a review of their system after the suspension has been lifted to determine if their system is again robust.

CHAPTER II – LIVESTOCK TRANSPORTATION VEHICLES AND THE TWENTY-EIGHT HOUR LAW

I. LIVESTOCK ON TRANSPORTATION VEHICLES

Once a vehicle carrying livestock enters, or is in line to enter, an official slaughter establishment's premises, the vehicle is considered to be a part of that establishment's premises. The animals within that vehicle are to be handled in accordance with 9 CFR 313.2. If, for whatever reason, animals cannot be unloaded for ante-mortem inspection, IPP will determine whether ante-mortem inspections can be safely and adequately conducted from outside the vehicle or, at the IPP's option, by entering the vehicle.

II. TWENTY-EIGHT HOUR LAW

A. Under the Twenty-Eight Hour Law, transporters are required to stop to provide animals with food, water, and rest. Transporters who have deprived livestock of food, water, or rest for more than 28 hours are in violation of the Twenty-Eight Hour Law ([49 USC 80502](#)).

B. If livestock arriving on a transport vehicle appear exhausted or dehydrated, IPP are to ask establishment management whether the truck driver stopped within the preceding 28 hours to provide the animals rest, food, and water. If the truck driver or establishment is unwilling to provide information, or if IPP has evidence to support that the animals were deprived of rest, food, and water for over 28 hours, IPP are to contact the Animal and Plant Health Inspection Service (APHIS), Area Veterinarian-in-Charge (AVIC), via their supervisor, so that APHIS can conduct an investigation.

C. IPP are to prepare an MOI to document their observations and all actions taken after reporting to their supervisor. A copy of the MOI is to be provided to the establishment management.

CHAPTER III - RITUAL SLAUGHTER OF LIVESTOCK

I. GENERAL

Section 1902 (b) of the HMSA provides that "slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by

the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering” is humane. 6 V.S.A 201 § 31316(B) provides that a humane method is “A method in accordance with ritual requirements of the Jewish faith or any other religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.” Section 1906 of the HMSA further provides that, “Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section, the term “ritual slaughter” means slaughter in accordance with section 1902(b) of this title.”

II. RESPONSIBILITIES OF IPP IN ESTABLISHMENTS WHERE RITUAL SLAUGHTER IS PERFORMED

A. In an establishment where ritual slaughter is performed, IPP are to request the establishment manager to inform them about what type of ritual slaughter (e.g., Kosher or Halal) will be performed, when it will be performed, and who will perform the ritual slaughter.

B. IPP are to verify that the humane handling of livestock before preparation for ritual slaughter complies with 9 CFR 313.1 and 313.2. Examples of verification activities may include confirming the availability of water, checking the condition of pens and ramps, and verifying that there is no excessive use of electric prods.

C. IPP are not to interfere in any manner with the preparation of the animal for ritual slaughter, including the positioning of the animal, the ritual slaughter cut, and any additional cuts by or under the supervision of the religious authority to facilitate bleeding.

D. IPP are to verify that after the ritual slaughter cut and any additional cut to facilitate bleeding, no dressing procedure (e.g., head skinning, leg removal, ear removal, horn removal, opening hide patterns) is performed until the animal is insensible.

E. If IPP have concerns, they are to contact their supervisor or Chief of Inspection.

CHAPTER IV - HUMANE HANDLING VERIFICATION ACTIVITIES

I. HUMANE HANDLING ACTIVITIES TRACKING SYSTEM (HATS):

A. PHVs and other IPP are to perform the Livestock Humane Handling Verification task in conjunction with the nine HATS categories (Chapter IV Section III). PHVs and other IPP are to record the time they spend verifying the specific humane handling and slaughter requirements within the HATS categories. To the extent possible, multiple IPP are to conduct HATS related activities. IPP are to accurately and completely report the time that they spend performing these activities and to separate that time into the nine specific categories.

II. VERIFICATION OF ESTABLISHMENT HUMANE HANDLING ACTIVITIES

A. IPP are to perform the Livestock Humane Handling Verification task once per slaughter shift and document the activity within PHIS on the Inspection Results page.

B. IPP are to perform verification of the establishment's humane handling activities during each shift that animals are slaughtered, or when animals are on site, even if slaughter is not being conducted. IPP are to vary the times during these shifts when they perform the verifications.

C. IPP are to record the time spent verifying humane handling in the HATS categories in quarter-hour increments (see Chapter IV. V. *Documentation of HATS Time in PHIS*). On each occurrence of ante-mortem inspection, IPP are to make verification observations as described for HATS Category IV – “Ante-Mortem Inspection;” except in very small establishments (see E. below). It is expected that there will be an entry of at least one-quarter hour in HATS Category IV - “Ante-mortem Inspection,” for every slaughter shift.

D. In addition to the daily verification of HATS Category IV - “Ante-mortem Inspection,” IPP are to verify one or more other HATS category during each slaughter shift. Over time, IPP are to ensure that they routinely verify all HATS categories.

E. Although IPP in very small establishments will perform ante-mortem inspection every slaughter shift, there are special instructions for documenting their HATS activities (see Chapter IV. V. *Documentation of HATS Time in PHIS* for exceptions in very small establishments).

F. For establishments with a robust systematic approach to animal handling, IPP are to do the following as part of performing their daily HATS procedures:

1. Verify that the establishment is following its animal handling program by using the elements found in Attachment 3 for *Elements of a Robust Systematic Approach to Humane Handling and Slaughter*; this would include observing (or reviewing):
 - a. The establishment employees during the handling and slaughter of animals;
 - b. The establishment implementing corrective actions, when appropriate;
 - c. The establishment's documents that show it evaluated its robust systematic approach (e.g. stunning and handling practices, maintenance logs for facilities and equipment); and
 - d. The establishment's response to its evaluations.
2. If an establishment has implemented a robust systematic approach, but IPP observe that the establishment is not following the written animal handling program:
 - a. IPP are to discuss their observations with establishment management and document this discussion in a MOI under the Livestock Humane Handling Verification task in PHIS;

- b. If IPP continue to observe ineffective implementation of the animal handling program, they are to continue to document and discuss as above. Additionally, they are to notify their immediate supervisor of their observations. The IPP, immediate supervisor, DVMS and Chief are to hold a discussion about the IPP's observations to determine if the establishment is still implementing a robust systematic approach;
- c. If IPP determine that the establishment is no longer implementing a robust systematic approach, the PHV will inform the establishment that they are no longer considered to be operating under a robust systematic approach. IPP are to document this in a MOI under the Livestock Humane Handling Verification task in PHIS, and
- d. The establishment may request a review by the PHV at a later date to determine if they are now meeting the criteria for a robust systematic approach. If the criteria are met, the IIC may inform the establishment that it again has a robust systematic approach. This should be documented in a MOI under the Livestock Humane Handling Verification task in PHIS.

G. DVMSs are to evaluate establishments' robust systematic approach programs during their Humane Handling Verification Visits ([FSIS Directive 6910.1](#), *District Veterinary Medical Specialist (DVMS) -Work Methods*). DVMSs are to record their findings and provide feedback to establishments during their visits.

H. If it is determined that an establishment's systematic approach is no longer robust, the establishment management may object to the content of the MOI and it may document its concerns, or disagreement, in several ways as described in [FSIS Directive 5010.1](#), *Food Safety Related Topics for Discussion During Weekly Meetings with Establishment Management*.

I. If the establishment participates in the Agricultural Marketing Service (AMS) National School Lunch Program (NSLP), IPP are to determine whether the establishment is meeting AMS Animal Welfare Requirements as set forth in the most current version of the AMS "Technical Requirements Schedule - Animal Handling and Welfare" (TRS-AHW). This determination would include a review of all humane handling records generated in accordance with this program.

NOTE: For establishments with a robust systematic approach, IPP are reviewing the establishment's procedures and documents; therefore, there is no additional HATS time necessary for this review by IPP. AMS requires an establishment program that is consistent with a written systematic approach to humane animal handling and welfare as outlined in [69 FR 54625](#) ("Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements").

1. The AMS AHW program requires that AMS and FSIS IPP have access to all relevant documents. Use the following link for access to the most current AMS AHW program requirements: <https://www.ams.usda.gov/>, then type "Technical Requirements Schedule Animal Handling and Welfare" in the Search box and select the most current update of the TRS-AHW from the generated listing.

If IPP have reason to believe that the establishment is not fully following its quality control related humane handling obligations under the AMS NSLP, they are to notify his/her immediate supervisor and the DVMS. As deemed necessary, the DVMS will contact the Contracting Officer at the AMS, Livestock and Seed Program, Commodity Procurement Branch, Room 2610-S, Washington, D.C., (202) 720-2650.

III. VERIFICATION OF HUMANE HANDLING USING THE NINE HATS CATEGORIES

A. Category I - Inclement Weather (9 CFR 313.1 and 313.2): IPP verify that the establishment adapts its facilities and handling practices to inclement weather to ensure the humane handling of animals. Inclement weather (e.g., rain, heat, snow, or ice) may cause adverse effects on facilities and animal handling.

1. IPP are to verify that the establishment adapts its facilities and holding practices to inclement weather;
2. IPP are to document noncompliance as set out in Chapter V if:
 - a. US Suspect or disabled livestock are not placed in a covered pen (9 CFR 313.1 (c) and 313.2 (d) (1));
 - b. Livestock are slipping and falling due to icy floor conditions (9 CFR 313.1 (b));
 - c. Livestock do not have access to water in holding pens (9 CFR 313.2 (e)), due to frozen water in buckets or troughs; or
 - d. Livestock are overheated because of a lack of proper shade or because of a lack of water for cooling (9 CFR 313.2).

NOTE: There is no requirement for a dedicated covered pen; this section can be met if the establishment can show they can and will provide a covered area when needed.

B. Category II - Truck Unloading (9 CFR 313.1 and 313.2): IPP are to record their verification of the establishment's livestock handling and unloading facilities and its humane handling procedures during livestock unloading activities.

1. IPP are to verify that the establishment's livestock handling facilities are in proper repair and positioned properly during livestock unloading activities; and
2. IPP are to verify the establishment's humane handling procedures during livestock unloading activities.
3. IPP are to document noncompliance as set out in Chapter V when:
 - a. The conditions of the facilities (e.g., ramps, chutes, floors, and vehicles) appear likely to injure or are injuring animals (9 CFR 313.1 (a));
 - b. Vehicles or ramps are not properly positioned leading to the injury of animals (9 CFR 313.1 (b));

- c. Animals are forced to move faster than a normal walking speed (9 CFR 313.2 (a));
- d. Animals are slipping and falling (9 CFR 313.1 (b) and 313.2 (a));
- e. Disabled or U.S. Suspect animals are not separated from normal ambulatory animals (9 CFR 313.2 (d));
- f. The unloading and “penning” of disabled animals is not handled in strict accordance with 9 CFR 313.2 (d); or
- g. During unloading and driving, animals are excessively prodded or not driven with a minimum of excitement and discomfort (9 CFR 313.2 (a)).

NOTE: Special mention is made here about the handling of “fatigued” or “slow” hogs. These “slow” hogs will not be able to move at the same normal walking speed as others in the lot and tend to lie down and in some cases may get knocked down by others in the lot. These hogs (though ambulatory and otherwise normal, bright, and alert) may need to be moved in a manner that protects them from other hogs in the group or lot. Therefore, establishments will need to develop a method or protocol for humanely handling these hogs.

C. Category III - Water and Feed Availability (9 CFR 313.2): IPP record their verification of the establishment’s compliance with 9 CFR 313.2(e), which requires that water be accessible to livestock in all holding pens, and that animals held longer than 24 hours have access to feed.

- 1. IPP are to verify the accessibility of water and feed to livestock.
- 2. IPP are to document noncompliance, as set out in Chapter V, when:
 - a. Water is not accessible to livestock in holding pens; or
 - b. Feed has not been provided to livestock being held for longer than 24 hours.

D. Category IV - Ante-mortem Inspection: While IPP are conducting ante-mortem inspection, they are to record the time spent verifying that the establishment’s facilities and procedures for humanely handling animals during ante-mortem inspection meet regulatory requirements (9 CFR 313.1 and 313.2).

- 1. IPP are to verify during ante-mortem inspection that the establishment’s facilities and handling practices provide for the humane handling of livestock.
- 2. IPP are to take appropriate actions and document noncompliance as set out in Chapter V when:
 - a. Facilities are not maintained in good repair or may otherwise lead to animal injury (9 CFR 313.1 (a) and (b));
 - b. Livestock are excessively prodded with an electric prod (9 CFR 313.2 (b));

- c. Livestock are injured because of handling practices (9 CFR 313.2 (a)); or
- d. Livestock are moved faster than a normal walking speed (9 CFR 313.2 (a)).

E. Category V - Suspect and Disabled (9 CFR 313.1 and 313.2): IPP are to verify that the establishment handles US Suspect and disabled livestock humanely. In establishments that present higher numbers of disabled livestock, IPP would typically spend more time verifying the humane handling of these animals than they would in establishments that present few disabled livestock.

- 1. IPP are to verify that the establishment handles US Suspect and disabled livestock humanely.
- 2. IPP are to take appropriate actions and document noncompliance as set out in Chapter V if:
 - a. Conscious animals are dragged (9 CFR 313.2 (d) (2));
 - b. Disabled animals are not separated from normal ambulatory animals (9 CFR 313.2 (d) (1)); or
 - c. US Suspect and disabled livestock are not provided or placed in a covered pen (9 CFR 313.1 (c) or 313.2 (d) (1)).

F. Category VI - Electric Prod/Alternative Object Use (9 CFR 313.2): IPP are to verify that the establishment's procedures for humanely and effectively moving livestock do not involve excessive prodding or the use of sharp objects. IPP are to verify this category after ante-mortem inspection has occurred. IPP are to verify this by direct observation at multiple locations (e.g., pens, alleyways, single-file chutes, and stunning areas) involving animal movement. Establishments are to use implements (e.g., electric prods, canvas slappers) as little as possible to minimize excitement and injury and are not to drive livestock faster than a normal walking speed. Any use of such implements that, in the opinion of the inspector, is excessive is prohibited (9 CFR 313.2 (a), (b) & (c), 313.5(a)(2), 313.16(a)(2), and 313.30 (a)(2), as applicable).

- 1. IPP are to verify that the establishment humanely and effectively moves livestock without: excessive prodding; the use of sharp objects; or the use of other driving implements that do not minimize excitement, discomfort, or injury; and
- 2. IPP are to verify that the establishment is not separating and moving livestock by mechanical devices (e.g., power activated gates) by forcibly pushing or dragging livestock across the floor or causing excitement, discomfort, or injury. IPP are to verify that mechanical devices are moving livestock with a minimum of excitement, discomfort, and injury.
- 3. IPP are to take appropriate actions and document noncompliance as set out in Chapter V if livestock are:

- a. Being prodded excessively causing them to become overexcited, injured, or moved faster than a normal walking speed (9 CFR 313.2 (a), (b), & (c));
- b. Forcibly pushed or dragged across the floor (9 CFR 313.5(a)(2), 313.16(a)(2), and 313.30 (a)(2), as applicable); or
- c. Being handled in a manner that does not minimize excitement, discomfort, pain, or injury (9 CFR 313.2 (a) & (b)).

G. Category VII - Slips and Falls (9 CFR 313.1 and 313.2): IPP are to verify that establishments have provided adequate footing in livestock facilities to prevent animals from slipping and falling as they are handled and moved through the livestock facilities.

- 1. IPP are to verify that the establishment prevents livestock from slipping and falling due to inadequate footing (9 CFR 313.1 (b)) or improper handling practices (9 CFR 313.2 (a)).
- 2. IPP are to take appropriate actions and document noncompliance as set out in Chapter V if animals are slipping and falling due to facility issues or improper handling practices.

H. Category VIII - Stunning Effectiveness (9 CFR 313.5, 313.15, 313.16, and 313.30): IPP are to verify that the establishment's stunning methods are being appropriately and effectively administered, producing immediate unconsciousness in the animal. Livestock are to be rendered insensible to pain (unconscious) by a single blow or gun shot or an electrical, chemical, or other means that is rapid and effective. The stunning area is to be designed and constructed to limit the free movements of the animals and to allow the stunning blow to have a high degree of accuracy. Ante-mortem condemned animals are to be euthanized humanely, using one of the four stunning methods identified in 9 CFR 313 or other humane methods acceptable to FSIS.

- 1. IPP are to verify the establishment's procedures to appropriately and effectively administer stunning methods that are rapid and effective and that produce unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or stuck.
- 2. IPP are to take appropriate actions and document noncompliance as set out in Chapter V when:
 - a. The establishment does not, or cannot consistently, render an animal (or animals) unconscious with a single application of the stunning methodology (9 CFR 313.5, 313.15, 313.16, and 313.30); or
 - b. There are no records for carbon dioxide gas concentrations (9 CFR 313.5 (b) (3)).

NOTE: For animals that are ritually slaughtered, the ritual slaughter cut will not be evaluated (Chapter III II. C.). But for those establishments that are ritually slaughtering, and in addition utilize stunning methods (found in 9 CFR 313), the stun effectiveness will be evaluated.

I. Category IX - Conscious Animals on the Rail: IPP are to ensure that animals do not regain consciousness after stunning. This category focuses specifically on the time after stunning and throughout the process of shackling, throwing, casting, hoisting, sticking, and bleeding of the animal. Establishments are required to produce, at a minimum, unconsciousness or surgical anesthesia after application of the stunning method and the animals are to remain in this state until death. The following regulations address these requirements:

1. Chemical; Carbon Dioxide – 9 CFR 313.5 (a) (1) & (2);
2. Mechanical; Captive Bolt – 9 CFR 313.15 (a) (1) & (3);
3. Mechanical; Gunshot – 9 CFR 313.16 a (1) & (3); or
4. Electrical; Stunning or Slaughtering with Electric Current – 9 CFR 313.30 (a) (1) & (4) and 313.2 (f).

NOTE: According to the HMSA, stunning methods are to render the animal insensible to pain throughout the shackling, hoisting, throwing, casting, and sticking process. They should remain insensible until death.

5. After stunning, IPP are to verify that livestock remain unconscious.
6. IPP are to take appropriate actions and document noncompliance as set out in Chapter V when:
 - a. Establishments further process (e.g., shackle, hoist, cut) livestock not rendered unconscious by the method of stunning; or
 - b. Animals regain consciousness after being stunned.

J. Secondary Entrances

1. In addition to the verification activities that IPP are now conducting under HATS, IPP are to verify that animals are not brought into the establishment through entrances or pathways where:
 - a. IPP may not be aware that the animals are being moved and, therefore, may not be able to determine whether the animal is eligible for slaughter for human food (e.g., this situation would occur if non-ambulatory disabled cattle, dead livestock, or uninspected animals are brought into the establishment through a secondary or alternative entrance);
 - b. The nature of the entrance may lead to the inhumane handling of the animal (e.g., the entrance is so small that the animal may be hurt); or
 - c. The equipment used, or the lack of equipment, may lead to inhumane handling of the animal (e.g., lack of ramps or slippery ramps).
2. This verification is not meant to cause IPP to prohibit the use of alternative entrances. The purpose of this instruction is to provide IPP with a means to verify

that all livestock that enter the establishment are doing so under conditions that meet the relevant statutory and regulatory requirements.

3. IPP are to verify that the situations described in Section J. 1. (above) are not occurring at the establishment. They are to do so by making observations while performing the Livestock Humane Handling Verification task for any evidence that animals are being moved through secondary entrances, or there are any of the other listed problems. They are to make observations under HATS Category VIII – “Stunning Effectiveness” because stunning is typically done near the location of secondary or alternative entrances.
4. If IPP find evidence that any of the situations described in Section J. 1. (above), has occurred, they are to control the condemned livestock (see 9 CFR 309.13) and take a regulatory control action (9 CFR 500.2) by tagging the entrance to prevent the use of the entrance. If the situations in Section J. 1. b. or c. (above), occur, IPP are to document noncompliance and take regulatory control actions (e.g., tagging equipment, alleyways, and pens). (See 9 CFR 313.50).

IV. PRIORITIZING HATS CATEGORY VERIFICATION

A. To prioritize which HATS categories to verify, PHVs or other IPP are to consider the documentation of the results of previous inspection activities, historical observations, and direction from the supervisor in consultation with the DVMS.

B. In addition, IPP may decide to repeat some activities, if a significant amount of time elapsed between ante-mortem inspection and slaughter.

C. DVMS Visits: When the DVMS visits an establishment, they are to ensure that the PHV or other IPP are employing correct decision-making, correctly verifying HATS activities, correctly documenting their activities, and appropriately varying from day-to-day the times during their tour of duty when they verify that animals are handled humanely.

D. In Multiple In-Plant Performance System (IPPS) Assignments:

1. PHVs that conduct ante-mortem and post-mortem inspection disposition activities as part of a multi-IPPS assignment are to conduct one or more HATS procedures whenever they have cause to visit an establishment. These PHVs are to focus on verifying Categories VIII - “Stunning Effectiveness” and IX – “Conscious Animals on the Rail,” and
2. PHVs are to document in PHIS the performance of the Livestock Humane Handling Verification task and record their HATS time.

E. Odd-Hour Inspection of Establishment Humane Handling:

1. The IIC, in conjunction with the supervisor and Chief, is to determine, based on establishment history or other observations, how frequently IPP need to visit an establishment during a time when there is no assigned tour of duty for inspection services (e.g., prior to operations, weekends) to observe the livestock facilities and handling practices; and

2. Among other factors, they are to consider whether the establishment receives animals outside the establishment's hours of operation, and whether animals are routinely held overnight.
3. IPP are to:
 - a. Perform a directed Livestock Humane Handling verification task;
 - b. Select "Supervisor Instruction" for the reason;
 - c. Record the task outcome within PHIS on the Inspection Results page by selecting the verified regulations and checking the appropriate boxes; and
 - d. Record their time in PHIS under the appropriate HATS category on the date of the inspection.
 - e. If a noncompliance is identified, write the NR on the date of the inspection. IPP are to notify establishment management when they become available and send the final NR to their supervisor.

NOTE: IPP are to continue using FSIS Form 8100-1 (Odd-Hour Inspection Form) to document their odd-hour inspection.

CHAPTER IV- VERIFICATION OF HUMANE HANDLING USING HATS CATEGORIES AND DETERMINING NONCOMPLIANCE

I. GENERAL

To assist IPP in implementing HATS, the following sections group HATS categories by the matters that they address, cite the humane handling regulations that support the verification category, specify the activities that IPP are to perform in verifying that category, and describe what would constitute noncompliance. Also, these sections provide examples of establishment procedures and documents that IPP might expect to observe and review at those establishments where establishment management has stated that it believes it has developed and implemented a written animal handling program that effectively addresses the four steps of a systematic approach and should be considered robust.

II. ESTABLISHMENT'S LIVESTOCK PENS, DRIVEWAYS, AND RAMPS (9 CFR 313.1) HATS CATEGORIES I, II, IV, AND, VII

A. Category I - "Inclement Weather": Disabled livestock and U.S. Suspects, when present, are to be placed in a covered pen (9 CFR 313.1 (c) and 313.2 (d) (1)) to protect them from adverse climatic conditions.

1. IPP are to verify how the establishment adapts its facilities and holding practices to inclement weather to ensure the humane handling of animals. **NOTE:** There is

no requirement for a dedicated covered pen; this section can be met if the establishment can show they can and will provide a covered area when needed.

2. IPP are to document noncompliance as set out in Chapter VII if US Suspect or disabled livestock are not placed in a covered pen.

B. Category II – “Truck Unloading”: Unloading facilities, such as ramps, chutes, floors, and vehicles, are to be maintained in good repair (9 CFR 313.1 (a)). Vehicles and ramps are to be properly positioned for unloading animals (9 CFR 313.1 (b)).

1. IPP are to verify that the establishment’s livestock handling facilities are in proper repair during livestock unloading activities.
2. IPP are to document noncompliance as set out in Chapter VII if:
 - a. The condition of the facilities appear likely to injure or are injuring animals; or
 - b. Vehicles or ramps are not properly positioned leading to the injury of animals.

C. Category IV – “Handling During Ante-Mortem Inspection”: Pens, floors, and driveways, including entrances and exits, are to be maintained in good repair (9 CFR 313.1).

1. IPP are to verify the establishment’s facilities for humanely handling livestock during ante-mortem inspection of livestock.
2. IPP are to document noncompliance as set out in Chapter VII if facilities are not maintained in good repair or may otherwise lead to animal injury.

D. Category VII – “Observations for Slips and Falls”: Establishments are to provide adequate footing in their livestock facilities (9 CFR 313.1 (b)).

1. IPP are to verify that the establishment prevents livestock from slipping and falling due to inadequate footing or improper handling practices.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if animals are slipping and falling because of poor footing or lack of slip resistant flooring.

III. ESTABLISHMENT’S LIVESTOCK HANDLING PRACTICES (9 CFR 313.2) HATS CATEGORIES I, II, III, IV, V, VI, and, VII.

A. Category I – “Adequate Measures for Inclement Weather”: Inclement weather (e.g., rain, heat, snow, ice) can have adverse effects on facilities and animal handling.

Animals may slip or fall because of wet floor conditions or because of the build up snow and ice. Animals may not have access to water when water buckets or troughs freeze over.

1. IPP are to verify how the establishment adapts its facilities and handling practices to inclement weather to ensure that animals are humanely handled.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Livestock do not have access to water in holding pens (9 CFR 313.2 (e));
or
 - b. Livestock are overheated because of a lack of proper shade or because of a lack of water for cooling.

B. Category II – “Truck Unloading”: Animals are unloaded and driven to pens with a minimum of excitement and prod use (9 CFR 313.2 (a) and (b)). The unloading and “penning” of disabled animals is handled in strict accordance with 9 CFR 313.2 (d). Animals are not to be forced to move faster than a normal walking speed (9 CFR 313.2 (a)).

1. IPP are to verify the establishment’s humane handling procedures during livestock unloading activities.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Animals are forced to move faster than a normal walking speed;
 - b. Animals are slipping and falling;
 - c. Disabled or U.S. Suspect animals are not separated from normal ambulatory animals; or
 - d. During unloading and driving, animals are excessively prodded or not driven with a minimum of excitement and discomfort.

NOTE: Special mention is made here about the handling of “fatigued” or “slow” hogs. These “slow” hogs will not be able to move at the same normal walking speed as others in the lot and tend to lie down and in some cases may get knocked down by others in the lot. These hogs (though ambulatory and otherwise normal, bright, and alert) may need to be moved in a manner that protects them from other hogs in the group or lot. Therefore, establishments will need to develop a method or protocol for humanely handling these hogs.

C. Category III – “Water and Feed Availability”: 9 CFR 313.2 (e) states that water is to be accessible to livestock at all times in holding pens, and that feed is to be accessible after livestock have been held longer than 24 hours.

1. IPP are to verify the accessibility of water and feed to livestock.
2. IPP are to document noncompliance as set out in Chapter VII if:
 - a. Water is not accessible to livestock in holding pens; or
 - b. Food has not been provided to livestock being held for longer than 24 hours.

D. Category IV – “Handling During Ante-mortem Inspection”: Livestock are to be moved calmly and with a minimum of excitement during ante-mortem inspection (9 CFR 313.2 (a)) which includes minimal use of electric prods (9 CFR 313.2 (b)). Livestock are to be moved no faster than a normal walking speed (9 CFR 313.2 (a)).

1. IPP are to verify the establishment’s procedures for humanely handling livestock during ante-mortem inspection of livestock.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Livestock are excessively prodded with an electric prod;
 - b. Livestock are injured because of handling practices; or
 - c. Livestock are moved faster than a normal walking speed.

E. Category V – “Handling of Suspect and Disabled”: Animals unable to move may be moved while conscious using suitable equipment (9 CFR 313.2 (d) (3)). Dragging of conscious animals is prohibited (9 CFR 313.2 (d) (2)).

1. IPP are to verify that the establishment handles US Suspect and disabled livestock humanely. In establishments that present higher numbers of disabled livestock, IPP would typically spend more time verifying the humane handling of these animals compared to establishments that present few disabled livestock.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Conscious animals are dragged; and
 - b. Disabled animals are not separated from normal ambulatory animals.

F. Category VI – “Electric Prod/Alternative Object Use”: Establishments are required to move livestock with a minimum of excitement and discomfort (9 CFR 313.2 (a)). Implements (including electric prods) are to be used as little as possible in order to minimize excitement and injury. Any use of such implements that, in the opinion of the inspector, is excessive is prohibited (9 CFR 313.2 (b), 315.5(a)(2), 313.16(a)(2), and 313.30 (a)(2), as applicable).

1. IPP are to verify that the establishment humanely and effectively moves livestock without excessive prodding or the use of sharp objects. This procedure includes direct observation at multiple locations (e.g., pens, alleyways, single-file chutes, stunning areas) involving animal movement.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if livestock are being prodded excessively causing them to become overexcited or injured.

IV. ESTABLISHMENT’S STUNNING METHODS AND EFFECTIVENESS (9 CFR 313.5, 313.15, 313.16, 313.30) HATS CATEGORIES VIII and IX.

A. Category VIII – “Stunning Effectiveness”:

1. Livestock are to be rendered insensible to pain (unconscious) by a single blow or gun shot or an electrical, chemical, or other means that is rapid and effective. The stunning area is to be designed and constructed to limit the free movements of the animals and to allow the stunning blow to have a high degree of accuracy. Ante-mortem condemned animals are to be euthanized appropriately, using one of the four stunning methods identified in 9 CFR 313.
2. IPP verify the establishment’s procedures to appropriately and effectively administer stunning methods that are rapid and effective and that produce unconsciousness in the animals before the animal is shackled, hoisted, thrown, cast, or stuck.
3. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. The establishment cannot consistently render animals unconscious with a single application of the stunning methodology; or
 - b. There are no records for carbon dioxide gas concentrations.

NOTE: For those animals that are ritually slaughtered, stunning effectiveness will not be evaluated, unless stunning methods (9 CFR 313) are an accepted part of that religious slaughter protocol and are inhumanely applied before or after the ritual slaughter cut.

B. Category IX – “Check for Conscious Animals on the Rail”: Establishments are required to produce, at a minimum, unconsciousness or surgical anesthesia after application of the stunning method, and the animals are to remain in this state until death. The following regulations address these requirements:

- Chemical; Carbon Dioxide – 9 CFR 313.5 (a) (1) & (2);
- Mechanical; Captive Bolt – 9 CFR 313.15 (a) (1) & (3);
- Mechanical; Gunshot – 9 CFR 313.16 a (1) & (3);
- Electrical; Stunning or Slaughtering with Electric Current – 9 CFR 313.30 (a) (1) & (4) and 313.2 (f).

NOTE: According to the HMSA, stunning methods are to render the animal insensible to pain throughout the shackling, hoisting, throwing, casting, and sticking process. They should remain insensible until death.

1. After stunning, IPP are to verify that livestock, at a minimum, remain unconscious before and after they are shackled, hoisted, thrown, cast, or stuck. This category focuses specifically on the time after stunning and throughout the process of shackling, hoisting, sticking, and bleeding of the animal.
2. IPP are to take appropriate actions and document noncompliance as set out in Chapter VII if:
 - a. Establishments further process (e.g., shackle, hoist, cut) livestock not rendered unconscious by the method of stunning; or
 - b. Animals regain consciousness after being stunned.

V. DOCUMENTATION OF HATS TIME IN PHIS

A. PHVs and non-PHVs are to enter the hours devoted to verifying humane handling activities for each of the HATS categories into PHIS under the Livestock Humane Handling task. The time is to be entered in one-quarter hour increments (e.g., .25, .50, .75, 1.00, and 1.25) under the duration heading in HATS; IPP are to round up to the next quarter hour if necessary. For example, if IPP spend 20 minutes verifying HATS categories, they would record 2 quarter hour increments (i.e., 30 minutes).

B. During normal operations, the total maximum time that would be entered across all HATS categories will generally not exceed the total operational hours for that respective shift. A minimum of one-quarter hour is expected to be entered for each slaughter shift in HATS category IV – “Ante-mortem Inspection,” **except** as described in C. (below) for very small establishments.

C. For very small establishments that slaughter one to a few animals per day, there are special procedures for documenting humane handling verification time in HATS. At many very small

establishments, the total amount of inspection time spent on HATS procedures during a shift may only total .25 hour. Therefore, because the minimum amount of time that can be recorded for any given HATS activity is .25 hour, the expectation described in A. (above) that .25 hour be entered in HATS Category IV - "Ante-mortem Inspection" for each slaughter shift does not apply. Instead, at those very small establishments where, for example, two or more humane handling verification procedures (one of which will always be Ante-mortem Inspection for those shifts when slaughter is scheduled) may be performed in .25 hour, IPP are to rotate through the appropriate HATS categories (i.e., those categories actually performed at a particular establishment including Ante-mortem Inspection) when entering their HATS time and record .25 hour per day in a different HATS category each slaughter day. In this manner, all HATS activities performed by IPP will be reflected over the course of several slaughter days.

D. When writing an NR for a noncompliance in a HATS category that was not the selected category for observation, IPP are to record the HATS time for both the category that was being performed and for the category in which the noncompliance occurred.

EXAMPLE: While observing animals during ante-mortem inspection, IPP identified that there was no accessible water in a livestock pen. IPP are to document the time in the HATS system for the humane handling time during ante-mortem inspection (Category IV) as well as the time it took to document the noncompliance for "no water" under Category III - "Water and Feed Availability." IPP are to record a minimum of .25 hours in each category.

CHAPTER V - ENFORCEMENT AND DOCUMENTATION OF NONCOMPLIANCE

I. NONCOMPLIANCES WITHOUT INJURY TO ANIMALS

A. IPP may observe noncompliance with 9 CFR 313 that must be acted upon, even though the noncompliance does not cause animals to be injured, to be in pain, or to be under excessive excitement or discomfort (e.g., failure to provide access to water).

B. As required by 9 CFR 313.50, IPP are to inform establishment management of noncompliance findings related to 9 CFR 313. 9 CFR 313.50 states: "When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence." To inform the establishment operator, IPP are to document the noncompliance on an NR, under the Livestock Humane Handling Verification task.

C. IPP are to cite all relevant regulations that pertain to the incident, specify in Block 10 of the NR which HATS category was being performed when the noncompliance(s) was observed, provide a clear and concise description of the noncompliance, and provide any other evidence that supports the determination that a noncompliance has occurred. In addition:

1. If the noncompliance is covered by a second HATS category, IPP are to note both categories on the NR.
2. If two categories are covered, IPP are to list the category where the noncompliance occurred first.

D. IPP are to verify that the establishment takes the necessary corrective actions and measures to achieve regulatory compliance and prevent recurrence. IPP are to take a regulatory control action if:

1. Establishment management fails to take such actions or to promptly provide the inspector with satisfactory assurances that such actions will be taken (e.g., failure to provide water in holding pens; failure to repair pen rails; failure to repair floors); or
2. A subsequent noncompliance is observed that derives from the same or related cause, thereby indicating a failure to continue effective implementation of previously proffered corrective and preventative measures.

E. IPP are to take a regulatory control action in accordance with 9 CFR 500.2 (a) (4) and as specified in 9 CFR 313.50 (a) or (b). When a regulatory control action is taken in response to inhumane handling because of employee actions, IPP need to consider the most appropriate place for applying the tag. The placement of the tag should be specific to the location or nature of the violation, so that the intent of 9 CFR 313.50 (a) or (b) will be met (i.e., control the situation and prevent injury, pain, or excessive excitement or discomfort to animals). The regulatory control action will remain in place until the establishment implements the appropriate corrective actions and further preventive measures that ensure compliance with the appropriate section of 9 CFR part 313 (e.g., provide water to livestock; fix the floor to prevent falling or injury).

F. If the establishment continues to violate the regulatory requirements(s) or does not adequately correct a noncompliance of the aforementioned nature, the IIC is to communicate this first to the supervisor to discuss and determine if an enforcement action should be taken.

II. INHUMANE SLAUGHTER OR HANDLING CAUSING INJURY OR DISTRESS BUT NOT OF AN EGREGIOUS NATURE

A. Non-egregious inhumane slaughter or handling can lead to animals being injured, being exposed to unnecessary pain, or to excessive excitement or discomfort (e.g., non-egregious stunning effectiveness failures or driving animals too fast and causing a few to slip and fall) and is a noncompliance with appropriate sections of 9 CFR 313.

B. If they observe a non-egregious stunning failure or humane handling noncompliance, IPP are to issue an NR to the establishment.

NOTE: A stunning effectiveness failure is non-egregious when IPP determine that the event was a discrete, rare failure to render livestock insensible (or unconscious) by a single blow, gunshot, or other approved means, and that the establishment promptly and effectively corrected the noncompliance.

C. IPP are to follow 9 CFR 313.50 and inform establishment management of the noncompliance by issuing an NR: "When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he or she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a

recurrence.”

D. IPP are to issue the noncompliance under the Livestock Humane Handling Verification task in PHIS.

E. IPP are to specify all relevant regulations that pertain to the incident, provide an accurate and concise description of the noncompliance, and provide any other evidence that supports the determination that a noncompliance has occurred.

F. IPP are to indicate at the top of Block 10 of the NR which category of activity under HATS they were performing when they found the noncompliance. If the noncompliance is covered by a second HATS category as well, then IPP are to note both categories on the NR. If two categories are covered, IPP are to list the category where the noncompliance occurred first.

G. IPP are to verify and document that the establishment takes the appropriate corrective or preventive actions and in the case of a non-egregious stunning effectiveness failure, IPP are to document in the NR that the noncompliance was promptly and effectively corrected.

H. If necessary, IPP are to take a regulatory control action as indicated in 9 CFR 500.2 (a) (4) and in 9 CFR 313.50. IPP are to take a regulatory control action:

1. Before informing the establishment management, when it is necessary for VAAFM, rather than establishment management, to stop the inhumane treatment of livestock because the noncompliance continues to injure, cause distress, or otherwise adversely affect livestock; or
2. When the establishment operator fails to take action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken.

I. IPP are to follow the procedures as specified in 9 CFR 313.50 (a), (b), and (c). The regulatory control action is to remain in place until the establishment implements the appropriate corrective actions and preventive measures that ensure compliance with the appropriate section of 9 CFR part 313.

J. When a regulatory control action is taken in response to inhumane handling because of employee actions, IPP are to consider the best location to apply the regulatory control action to effectively control the situation and prevent further injury or distress to animals.

K. If the establishment continues to have noncompliance or does not adequately correct the noncompliance of the aforementioned nature, the IIC is to communicate this to the supervisor to discuss and determine if an enforcement action should be taken.

III. INHUMANE SLAUGHTER OR HANDLING OF AN EGREGIOUS NATURE

A. If VAAFM finds that an egregious inhumane slaughter or handling noncompliance has occurred, VAAFM will move to an enforcement action. The IIC or PHV is to take the following actions:

1. The IIC is to immediately stop the inhumane slaughter or handling of livestock that is of an egregious nature with an appropriate regulatory control action to prevent the

inhumane handling or slaughter from continuing.

2. The IIC is to then verbally notify the establishment management that they will correlate with the supervisor and Chief to discuss the situation. The Chief is to determine the enforcement action that will be taken according to 9 CFR 500.3 (b) (see D below for exceptions to taking or delaying suspension action).
3. After notifying the establishment, the IIC is to contact and correlate with the supervisor and the Chief to receive the Chief's determination and instructions for actions. The following are to be considered in the correlation:
 - a. Whether the establishment is operating under a robust systematic approach for humane handling of animals as determined by the IIC and the DVMS, per Chapter IV, II, F and G;
 - b. Whether the establishment has demonstrated the robustness of the program to IPP by effectively and consistently implementing all aspects of its program;
 - c. The establishment's history of compliance as indicated by the number of NRs or noncompliance reports related to humane handling regulatory requirements;
 - d. Whether the establishment has recent humane handling enforcement actions;
 - e. Whether a suspension action is necessary to prevent inhumane handling from continuing; and
 - f. Whether the egregious noncompliance represents a rare finding or an anomaly in an otherwise well-functioning system.

B. After correlating with the supervisor and the Chief, the IIC is to document their observations of the humane handling incident in an NR in PHIS. (See Attachments 4 and 5, for examples of NRs that support enforcement action: suspension or NOIE.) The IIC is to then promptly provide that NR electronically to the supervisor and Chief for their use in documenting the enforcement action. A copy is to be provided to the establishment.

NOTE: Issuing an NR for all egregious humane handling noncompliance is a change from the prior instruction of issuing an MOI for egregious humane handling noncompliance, which subsequently resulted in enforcement actions.

C. If the establishment is suspended (receives an NOS) or is issued an NOIE by the Agency, the supervisor or Chief is to inform the establishment that they will need to proffer acceptable corrective actions and preventive measures to the Chief in order to develop a verification plan. (Refer to: VT Directive 5100.3 "Administrative Enforcement Action Decision-Making and Methodology").

NOTE: The decision to issue an NOIE is not automatic. The determination of the enforcement action, by the Chief, for those establishments with robust systematic humane handling programs will be based on the findings of the 6 considerations found in A. 3. (above).

D. Where an immediate suspension action would be warranted but is likely to result in inhumane treatment of additional animals (e.g., a line stoppage that may result in animals

having to stay on a truck during an extremely hot day), the Supervisor or IPP are to consult with the Chief to consider delaying the implementation of the suspension action until they can ensure that animals on-site or in-transit have been handled humanely.

1. In deciding whether to delay implementation of a suspension, the supervisor or IPP provides the following information to the Chief for their consideration:
 - a. What immediate corrective action the establishment is taking;
 - b. The likelihood, given the establishment's history, that the corrective action will be effective in preventing a recurrence of the root cause of the situation;
 - c. The number of animals on premises or en route that will need to be slaughtered; and
 - d. Any conditions that threaten the welfare of the animals if they are not promptly slaughtered.

NOTE: The IPP or Chief should encourage establishment management to redirect as many animals that are en route as possible, per provisions in existing Good Manufacturing Practices (GMPs) for other emergency stoppages (e.g., major mechanical breakdowns, flooding) and to order the stoppage of further loading of animals onto trucks at the source location.

2. In this situation, the IPP will need to directly observe establishment employees handling or slaughtering animals and decrease the line speed according to staffing standards in 9 CFR 310.1.
3. The supervisor or IPP may allow slaughter to continue at a reduced line speed for a limited time on her or his own authority. It is not the intent of this section to provide for a "kill-out" but only for a "kill-down" to ensure that the number of animals to be held on-site meets the requirements in 9 CFR 313.2(e) for holding animals overnight. Any concerns IPP may have about allowing slaughter to continue at reduced line speeds are to be addressed through their supervisory chain for resolution.
4. The supervisor, IPP or Chief is to promptly effect the suspension once he or she determines that animals will not be further subjected to inhumane handling.
5. Once the suspension is taken after the "kill-down," IPP are to document their observations and actions in an MOI and submit it to the Chief.

IV. TREND OF NONCOMPLIANCE AND LINKING NRs

A. IPP are to consider whether a noncompliance is associated with previous noncompliance at that establishment. IPP are to use the guidance provided in VT Directive 5000.1, Chapter V. to determine whether a noncompliance trend exists.

B. IPP are to discuss any trends of noncompliance with establishment management during the weekly meetings. In addition, if IPP are finding noncompliance trends in an establishment with a written animal handling program that establishment management believes to be a robust

systematic approach, they are to notify the Chief or supervisor through supervisory channels and a DVMS may be scheduled to conduct an assessment of the establishment's handling procedures.

C. NRs listing the same HATS category do not automatically constitute a trend of noncompliance. Also, it is possible to have noncompliance in different HATS categories that are associated (e.g., lack of employee training). IPP are to determine whether the historical NRs should be associated based on the noncompliance description and the establishment's corrective actions. IPP must support that there is a trend of inhumane handling before associating NRs that do not immediately affect an animal's safety or that do not involve an egregious inhumane act.

D. IPP are to continue to associate NRs until they determine that an enforcement action is necessary to bring the establishment into compliance with the regulations or that the establishment has successfully corrected the problem.

E. When IPP determine that an enforcement action (i.e., suspension as described in 9 CFR 500.3(b)) is necessary, they are to contact the chief and provide support for this determination.

F. The Chief is to determine whether to suspend inspection, as set out in 9 CFR 500.3(b). As provided in this regulation, VAAFM may impose a suspension without prior notice if the establishment is handling or slaughtering animals inhumanely.

V. INFORMATION PROVIDED TO THE DVMS

When any humane handling or slaughter noncompliance occurs, IPP are to send copies of the NRs (including the establishment's response), once they are closed, to their immediate supervisor, Chief and DVMS.

CHAPTER VI - CUSTOM EXEMPT ACTIVITIES CONDUCTED IN A STATE-INSPECTED ESTABLISHMENT: HUMANE HANDLING OF LIVESTOCK DESIGNATED AS CUSTOM EXEMPT ANIMALS

A. The FMIA (21 U.S.C. 610(b)) and 6 V.S.A Chapter 204, prohibits slaughter or handling of livestock in connection with slaughter in any manner not in accordance with 7 U.S.C. 1901-1906 (HMSA). This applies to all animals on the premises of a state-inspected establishment whether those animals are designated for slaughter under federal inspection or for slaughter under a Custom Exempt program.

B. When IPP are on-site performing assigned official duties related to regulated product, and there is concurrent handling and slaughter of livestock under a Custom Exempt program, Agency expectations are that if IPP observe inhumane handling or slaughter practices of custom exempt livestock, they are to take the following actions:

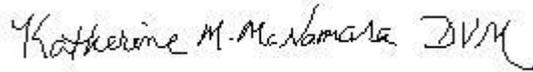
1. Immediately notify establishment management of their observations and request that establishment management address the issue;
2. Document their observations on an MOI;

3. Provide a copy of the MOI by email to:
 - a. their immediate supervisor, and
 - b. the Chief.
4. Provide a copy of the MOI (printed or electronic) to establishment management.

C. Any further actions, as deemed appropriate by the management team based on documentation provided by in-plant IPP, are to follow the instructions found in Section X.B, "Chief Responsibilities" of VT Directive 5930.1, "Custom Exempt Review Process."

CHAPTER VII - QUESTIONS

Refer questions regarding this directive to your supervisor or the Chief of Inspection

A handwritten signature in black ink that reads "Katherine M. McNamara" followed by a stylized monogram "DM".

Head of Service
VT Meat Inspection Service

Attachment 1

Humane Methods of Slaughter Act of 1978. (7 U.S.C. 1901 et seq.)

Sec. 1901. - Findings and declaration of policy

The Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Sec. 1902. - Humane methods

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

Section 1906 – Exemption of ritual slaughter

Nothing in this chapter (Humane Methods of Slaughter Act of 1978 – Title 7 of the U.S. Code, Chapter 48) shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term “ritual slaughter” means slaughter in accordance with section 1902(b) of this title.

Attachment 2

Overview of the HUMANE HANDLING REGULATIONS (9 CFR 313)

A. The regulations related to livestock pens, driveways and ramps

9 CFR section 313.1 states:

(a) Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals. Loose boards, splintered or broken planking and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.

(b) Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock. Slip resistant or waffled floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.

(c) U.S. Suspects (as defined in 9 CFR 301.2(xxx)) and dying, diseased, and disabled livestock 9 CFR 301.2(y) shall be provided with a covered pen sufficient, in the opinion of the inspector, to protect them from the adverse climatic conditions of the locale while awaiting disposition by the inspector.

(d) Livestock pens and driveways shall be so arranged that sharp corners and direction reversal of driven animals are minimized.

B. The regulation related to handling of livestock

9 CFR section 313.2 states:

(a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.

(b) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.

(c) Pipes, sharp or pointed objects, and other items which, in the opinion of the inspector, would cause injury or unnecessary pain to the animal shall not be used to drive livestock.

(d) Disabled livestock and other animals unable to move.

(1) Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in section 313.1(c).

(2) The dragging of disabled animals and other animals unable to move, while conscious, is prohibited. Stunned animals may, however, be dragged.

(3) Disabled animals and other animals unable to move may be moved, while conscious, on equipment suitable for such purposes; e.g., stone boats.

(e) Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed. There shall be sufficient room in the holding pen for animals held overnight to lie down.

(f) Stunning methods approved in section 313.30 shall be effectively applied to animals prior to their being shackled, hoisted, thrown, cast or cut.

C. The general regulatory requirements related to approved stunning methods

Appropriate stunning methods are required for an establishment to be in compliance with the HMSA. When stunning is done correctly, animals feel no pain, are rendered instantly unconscious, and remain unconscious until slaughtered. There are four methods of stunning approved for livestock. A summary of these approved stunning methods appear below (refer to 9 CFR sections 313.5, 313.15, 313.16 and 313.30).

Chemical; carbon dioxide

Regulatory requirements for the use of carbon dioxide as a humane method of slaughter are specified in section 313.5 and include, among other things, the following:

- 1) Carbon dioxide gas may be used to slaughter and handle sheep, calves and swine.
- 2) The carbon dioxide gas shall be administered in a chamber so as to produce surgical anesthesia (a state where an animal feels no painful sensation) before the animal is shackled, hoisted, thrown, cast, or cut. Animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly.
- 3) Gas concentrations and exposure times shall be graphically recorded throughout each day's operation.
- 4) It is necessary that the operator be skilled, attentive, and aware of his or her responsibility.

Mechanical; captive bolt

Regulatory requirements for the use of captive bolt stunners as a humane method of slaughter are specified in section 313.15 and include, among other things, the following:

- 1) Captive bolt stunners may be used to slaughter and handle sheep, swine, goats, calves, cattle, horses, mules, and other equines.
- 2) The captive bolt stunners shall be applied to livestock so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut.
- 3) The stunning operation is an exacting procedure and requires a well-trained and experienced operator who must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.
- 4) Stunning instruments must be maintained in good repair.

Mechanical; gunshot

Regulatory requirements for the use of gunshot as a humane method of slaughter are specified in section 313.16 and include, among other things, the following:

- 1) Shooting by firearms may be used to slaughter and handle cattle, calves, sheep, swine, goats, horses, mules, and other equines.
- 2) A single shot delivery of a bullet or projectile into the animal is to produce immediate unconsciousness in the animal before it is shackled, hoisted, thrown, cast or cut.
- 3) Firearms must be maintained in good repair.
- 4) The shooting operation is an exacting procedure and requires a well-trained and experienced operator who must be able to accurately direct the projectile to produce immediate unconsciousness.
- 5) The operator must use the correct caliber firearm, powder charge and type of ammunition to produce instant unconsciousness in the animal.

Electrical; stunning or slaughtering with electric current

Regulatory requirements for the use of electric current as a humane method of slaughter are specified in section 313.30 and include, among other things, the following:

- 1) Electric current may be used to slaughter and handle swine, sheep, calves, cattle, and goats.
- 2) The animal shall be exposed to the electric current in a way that will accomplish surgical anesthesia (a state where an animal feels no painful sensation) quickly and effectively before they are shackled, hoisted, thrown, cast, or cut.

3) It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his or her responsibility.

4) Suitable timing, voltage and current control devices shall be used to ensure that each animal receives the necessary electrical charge to produce immediate unconsciousness.

9 CFR 313.50 Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter.

When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence. If the establishment operator fails to take such action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken, the inspector shall follow the procedures specified in paragraph (a), (b), or (c) of this section, as appropriate.

(a) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall attach a "U.S. Rejected" tag thereto. No equipment, alleyway, pen or compartment so tagged shall be used until made acceptable to the inspector. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

(b) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of livestock, the inspector shall attach a "U.S. Rejected" tag to the alleyways leading to the stunning area. After the tagging of the alleyway, no more livestock shall be moved to the stunning area until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.

(c) If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach a "U.S. Rejected" tag to the stunning area. Stunning procedures shall not be resumed until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

Attachment 3

ELEMENTS OF A ROBUST SYSTEMATIC APPROACH TO HUMANE HANDLING AND SLAUGHTER

There is no regulatory requirement for a systematic approach to humane handling and slaughter. To consider a systematic approach to be robust, the Agency has the expectation that the systematic approach include a written animal handling program that effectively addresses, through its design, maintenance, and execution, the four aspects of a systematic approach (2004 Federal Register Notice) and that also:

- Describes procedures that the establishment will effectively implement to stay in compliance with the humane handling regulations,
- Describes records that the establishment will keep to demonstrate that the program is being implemented as written,
- Describes records that the establishment will keep to demonstrate the program will effectively prevent identified potential noncompliance,
- Describes actions the establishment will take when it fails to implement the program as written or fails to prevent a noncompliance, and
- Is available to inspection program personnel for review.

If establishment management requests that IPP consider the establishment's systematic approach to humane handling and slaughter to be robust, IPP are to consider criteria, such as the ones that are set out below, when reviewing the written humane handling program and associated records in determining whether it is robust.

INITIAL ASSESSESSMENT

Has the establishment conducted an initial assessment of what needs to be included in a humane handling program that addressed such matters as:

- Areas or equipment specific to the establishment where, or that could cause, animals to experience excitement, discomfort, or accidental injury.
- Standard animal handling procedures specific to the establishment to ensure that livestock are handled in a manner to minimize excitement, discomfort, and accidental injury.
- Stunning procedures and equipment that are designed to prevent an ineffective stun or a return to consciousness after stunning.

Is there documentation to support that the establishment performed this assessment?

NOTE: Formats that this documentation may take include, but are not limited to, a narrative, a checklist with descriptions of any problem areas or procedures identified, or a flow chart with process control points identified for any area or equipment identified as a potential problem. Also, if establishments have had an animal handling program in place for a number of years, and they no longer have available the documentation for their initial assessment, IPP are to ask establishment management to describe the assessments and actions the establishment undertook during the development of its animal handling program. IPP are to document this discussion in a Memorandum of Interview and provide copies to establishment management and the Chief as well as maintain a copy in the official in-plant inspection files.

FACILITY DESIGN AND HANDLING PRACTICES

Has the establishment put in place a systematic approach to humane handling that addresses such matter as:

- An animal handling program, facility design, and methods for correcting identified problems.
- Standard operating procedures (SOPs) for live animal handling; for example, has the establishment:
 - Designated a person or a position responsible for providing water and feed so as to meet regulatory requirements;
 - Posted stocking levels for live animal holding pens; and
 - Developed procedures for identifying and handling disabled or very young animals.
- An animal handling training program for new employees working with live animals.
- Scheduled periodic (e.g., quarterly, annual) refresher training for all employees responsible for handling live animals.
- Procedures for checking that contracted truck drivers delivering animals to the establishment have received humane handling certification.
- Procedures for ensuring (e.g., through maintenance records or recording devices) that stunning devices (e.g., captive-bolt, firearm, electrical stunning system, CO2 system) are properly and regularly maintained so that animals are rendered insensible to pain as provided for in the regulations for the various stunning methods.

Does the establishment maintain documentation of its programs that address these matters?

ONGOING EVALUATION OF IMPLEMENTATION

Has the establishment adopted written procedures for verifying that its program is effectively implemented, such as:

- A method for assessing, e.g., through periodic monitoring, whether those establishment areas where live animals are held or pass through are in good condition and do not present any potential for injury, for example:
 - Evidence that written work orders are created when facility repairs are needed,
 - Maintenance logs to document that regular equipment inspections and maintenance are performed on permanent facility equipment used to move animals, e.g., hydraulic gates, direct current prods.
 - A method for ensuring that the animal handling program is effectively implemented, such as an in-house monitoring procedure that:
 - Specifies at what time intervals (e.g., hourly, daily, weekly) the monitoring will be performed, and
 - Identifies designated monitoring points in the process from truck unloading through stunning and bleed-out.

NOTE: At establishments performing only ritual slaughter, monitoring would be appropriate for all handling practices up to the point where an animal is restrained for the ritual cut, and after an animal is released from the method of restraint.

- In-house humane handling audits that employ accepted industry auditing methodologies.
- Third-party humane handling audits that are performed and the results reviewed, on a regular basis by establishment management.
- Video surveillance of live animal holding and handling areas or of the stunning area that allows designated establishment employees or contract personnel to:
 - In the case of live-feed-only systems, observe the feed from the video camera on a regular but random basis, or

- In the case of systems with recording capability, regularly review a random selection of the records.
- Provision in the animal handling program for periodic documented monitoring of the stunning through bleed-out area to assess stunning practices and to verify that no animals return to consciousness during the post-stun through bleed-out period.
- An annual reassessment, of all features of the program that reviews the program design, results, and effectiveness.
- A methodology to identify developing trends, e.g., Statistical Process Control charting, whereby establishment management, or its designee, makes periodic (e.g., weekly, monthly, quarterly) reviews of deficiencies identified during monitoring or audits and, based on these reviews, makes decisions to remedy the deficiencies.

RESPONSE TO EVALUATIONS

Does the establishment have a written program for responding to and making changes in response to identified problems, such as:

- Provisions in the written animal handling program addressing actions to take in the event of a natural disaster, e.g., flood, tornado, or other catastrophic event such as a facility fire or major mechanical breakdown, to minimize injury or distress to animals on-site at or en route to the establishment.
- A method to track changes made in handling methods that address actual and potential problems identified during monitoring or audit activities.
- A method that employees and management would implement in the event an unanticipated inhumane incident occurs, for example:
 - The method might specify that, if an employee observes an inhumane handling incident, that employee is to immediately take action to eliminate or minimize any further animal pain and notify his/her supervisor;
 - The method might specify that the supervisor will document the report of the incident, make an assessment based on an investigation, and develop preventative measures to prevent recurrence;
 - The method may provide that if an inhumane stunning incident occurs employees are to take immediate action to minimize any further animal pain, stop further slaughter, and notify management;
 - The method may provide that management will make an assessment of the incident and will implement immediate corrective actions to prevent recurrence before resuming slaughter, and that the incident as well as all

actions taken will be documented; or

- The method may provide that the establishment's animal handling program will be reviewed and updated as needed, and that there is a provision for periodic, e.g., annual, assessment of the written animal handling program by management personnel.

The above examples are not intended to be an inclusive list. If IPP have questions or concerns they should inquire to their supervisor or Chief for clarification.

Attachment 4

“SAMPLE” – NONCOMPLIANCE RECORD REGARDING A SUSPENSION TAKEN

FOR AN EGREGIOUS SITUATION OF INHUMANE HANDLING OR SLAUGHTER

At approximately 3:15 pm, I verbally notified Mr. Bob Jones, Establishment Manager, of my decision to take regulatory control action to prevent the slaughter of animals. I advised Mr. Jones that I was contacting the District Office about possible enforcement action due to an egregious humane handling noncompliance and that the District Office would be following up with a written suspension or NOIE letter to the establishment. I based my decision to take a regulatory control action on the following:

At approximately 2:50 pm, while performing HATS Category VIII Stunning Effectiveness, I observed a hog that had been electrically stunned and lying on the floor next to the south end of the shackle table. Upon closer observation, I saw that the hog was breathing rhythmically; had an intact palpebral reflex; and was repeatedly attempting to right itself, but was unable to do so. I determined that this hog was conscious. The establishment did not take corrective actions as described in their corrective action plan (hand-held captive bolt is the establishment's back-up stunning device). I instructed establishment employees to immediately re-stun the hog and I observed that the animal was properly re-stunned.

I then advised establishment employees in the stunning area that I was implementing a regulatory control action to stop the slaughter of animals, but allowed all stunned hogs to move through the slaughter process. I tagged the gate with US Rejected tag number BXXXXXXXXX to prevent hogs from entering the restrainer. I then informed the foreman in charge of the stunning area that I had taken a regulatory control action and that the stunning operation was stopped.

****The DO issued an NOS to this establishment as they did not have a robust systematic approach, so an NOIE was not considered.**

NOTE: This sample NR is intended to convey the inspector's observations, which will be used by the District to support an enforcement action for inhumane handling or slaughter. It is recognized that on a "case-by-case" basis and through discussions held with the District Office or DVMS, that an NR may contain more detail to describe the facts and the basis for taking the enforcement action. All egregious humane handling noncompliance shall now be documented with a humane handling noncompliance record (HHNR). PLEASE NOTE- this is a change from the prior practice of issuing an MOI for egregious humane handling noncompliance, which subsequently resulted in enforcement actions.

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Attachment 5

**“SAMPLE” – NONCOMPLIANCE RECORD REGARDING AN NOIE FOR AN
EGREGIOUS SITUATION OF INHUMANE HANDLING OR SLAUGHTER**

At approximately 0750 hours while performing HATS Category VIII – Stunning Effectiveness, I observed the following noncompliance:

A bull was free-standing in the last partitioned area in the alleyway leading to the restrainer. An establishment employee grabbed a .22 magnum caliber firearm and informed me he would be using a firearm. I stepped off the slaughter floor and heard the firearm discharge. I entered the slaughter floor and noticed the bull was still conscious and was standing in the alleyway and blood was coming out of its nose. The bull was moving its head from side to side indicating that the stunning area had not been adequately designed and constructed to prevent the free movements of the animal. The employee stated that he would be using the firearm again, so I stepped out of the room. I heard the firearm discharge and entered the room. The bull was still conscious, still standing, continued to move its head from side to side and began to vocalize. The employee reloaded the same firearm and again stated he would be using a firearm, so I stepped off the slaughter floor. I heard the firearm discharge and heard a thud shortly thereafter. I entered the slaughter floor and noted the animal was on the floor and unconscious.

The employee then shackled, hoisted and bled the unconscious animal. I notified the employee that I would be placing U.S. Reject tag BXXXXXXXX on the entrance to the restrainer and no further stunning could take place. I verbally notified Mr. Andy Angus, Establishment Manager and Slaughter Floor Supervisor, of my observations and that I had taken a regulatory control action on the restrainer. I notified Mr. Angus that I was contacting the District Office through my supervisory chain-of-command for further guidance, of my recommendation for an enforcement action and that no further stunning could take place.

****The establishment has developed a humane handling program that meets the criteria described in the Federal Register Notice Volume 69, No. 174, of September 9th, 2004 [Docket No. 04-013N], for a systematic approach to handling of livestock for slaughter and at the time of the incident the program was being implemented in a robust manner. The compliance history concerning humane handling has been consistently good. Therefore, the DO issued an NOIE to this establishment.**

NOTE: This sample NR is intended to convey the inspector's observations, which will be used by the District to support an enforcement action for inhumane handling or slaughter. It is recognized that on a "case by case" basis and through discussions held with the District Office or DVMS, that an NR may contain more detail to describe the facts and the basis for taking the enforcement action. All egregious humane handling noncompliance shall now be documented with a humane handling noncompliance record (HHNR). PLEASE NOTE- this is a change from the prior practice of issuing an MOI for egregious humane handling noncompliance, which subsequently resulted in enforcement actions.